IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10441 of 2004

Between:

1.Smt. Nunna Satyavathamma, W/o. Venkataramaiah,R/o. Lankapalli Village, Penuballi Mandal, Khammam District.

2.Nunna Seshagiri Rao, S/o. Audinarayana, R/o. Lankapalli Village, Penuballi Mandal, Khammam District.

..... PETITIONERS

AND

1 The Superintending Engineer, Irrigation Dept., Khammam.

2 The Deputy Executive Engineer, Irrigation Dept., Sathupalli,
Khammam District.

3 The District Collector, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more in the nature of Writ of Mandamus declaring the action of the respondents by digging the

channel across our land situated at Lankapalli Village of Penuballi Mandal in S.No.72, 73, 74 and 76 to an extent of Ac.3-21 guntas without issuing any notice or initiating any proceedings under Land Acquisition Act is illegal, arbitrary, and against to the principles of natural justice.

Counsel for the Petitioners: MR.KILARUKHADER BABA, Advocate

Counsel for the Respondents: GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT.

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the respondents in proposing to dig a channel across the lands of the petitioners in an extent of Ac.3.21 guntas situated in Survey Nos.72, 73, 74 and 76 of Lankapalli village, Penuballi Mandal, Khammam District.

2. It is stated by the petitioners that no part of their lands was acquired by the respondents. In the absence of any acquisition or consent of the petitioners, the respondents have no right either to interfere with the petitioners' possession or to dig any channel across the lands of the petitioners. But, without resorting to any of the above, the respondents are proposing to dig a channel across the petitioners' lands. Therefore, the petitioners sought for a direction to the respondents not to interfere with their lands, unless the respondents

acquire the lands in accordance with law.

3. Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation and Command Area Development.

4. As it is stated by the petitioners that their lands were not acquired, the respondents have no right to dig any channel across the above mentioned lands of the petitioners. If the respondents require to dig a channel across the lands of the petitioners, it is open to them to acquire the lands of petitioners in accordance with law either by resorting to the Land Acquisition proceedings or with the consent of petitioners. Then only, they can proceed with the work of digging the channel, but not without acquiring the lands of the petitioners by the above referred modes.

5. Under the above circumstances, the writ petition is disposed of directing the respondents not to dig any channel or interfere with the petitioners' possession, except in accordance with law. No costs.

24-06-2004
vgb

ASSISTANT REGISTRAR

Note:
Furnish CC by tomorrow.
(B/O)
VGB

//TRUE COPY//

SECTION OFFICER.

To

1 The Superintending Engineer, Irrigation Dept., Khammam.

2 The Deputy Executive Engineer, Irrigation Dept., Sathupalli,
Khammam District.

3 The District Collector, Khammam District.

4 Two CCs to the GP for Command Area Development, High
Court Buildings, Andhra Pradesh, Hyderabad. (OUT)

5 Two CD copies.